

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CLARKE and REBECCA WIXON,	)	
	)	
Plaintiff(s),	)	No. C 07-2361 JSW (BZ)
	)	
v.	)	
	)	<b>FOURTH DISCOVERY ORDER</b>
WYNDHAM RESORT DEVELOPMENT	)	
CORP., et al.,	)	
	)	
Defendant(s).	)	
_____	)	

Following a telephone conference to address the issues raised in Ms. Pritzker's letter dated April 28, 2009, at which all sides were represented by counsel, **IT IS ORDERED** as follows:

1. The Court's Order dated April 15, 2009 is amended to permit plaintiffs to answer the interrogatories without reference to the recently produced electronic discovery. Plaintiffs shall supplement their answers by **June 1, 2009**.

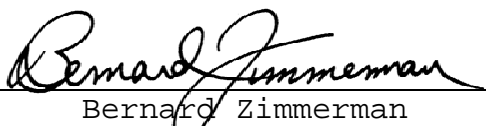
2. I read the January 15, 2009 stipulated discovery schedule as requiring Wyndham to have completed its ESI production by February 17, 2009, which would have included the production of any documents that were subject to a privilege screen. If Wyndham needed more time to screen and produce

1 documents, it should have asked. Had I been asked, I would  
2 never have permitted Wyndham to produce all of the screened  
3 documents in bulk, at the very end of the screening process,  
4 and on the day that plaintiffs' class certification motion was  
5 due. In any event, the parties have agreed that Wyndham shall  
6 inform plaintiffs of which of the newly produced documents it  
7 intends to use in its opposition to plaintiffs' motion for  
8 class certification, by no later than **May 6, 2009**.

9 Accordingly, plaintiffs' earlier request that Wyndham be  
10 barred from using any of the recently produced documents in  
11 the class certification proceeding is **DENIED** without prejudice  
12 to being renewed before Judge White by way of objection to  
13 specific documents. I do not have the ability to alter Judge  
14 White's certification schedule and the sanction as requested  
15 might be draconian and is better addressed in the context of  
16 specific documents.

17 3. Wyndham shall produce its privilege log by **May 8,**  
18 **2009.**

19 Dated: April 30, 2009

20   
21 Bernard Zimmerman  
22 United States Magistrate Judge

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